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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,365	10/19/2000	Orvalle Theodore Kirby	AUS9-2000-0629-US1	7061
35525	7590	06/17/2005		EXAMINER
IBM CORP (YA)			PATEL, ASHOKKUMAR B	
C/O YEE & ASSOCIATES PC				
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DALLAS, TX 75380			2154	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/692,365	KIRBY ET AL.
	Examiner	Art Unit
	Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/18/04, 6/28/04, 8/16/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-27 are subject to examination.

Response to Arguments

2. Applicant's arguments filed June 18, 2004 have been fully considered but they are not persuasive for the following reasons:

35 U.S.C. § 102 Alleged Anticipation:

Applicant's argument:

"Nowhere in Pelissier is there any teaching that, responsive to a power cycle, current configuration information from a set of components in a network computing system is obtained and compared to stored configuration information to determine if there are differences and, if there are, the stored configuration information is updated."

(page 13/21)

"Nothing in this section of Pelissier teaches anything regarding updating stored configuration information for a set of components of a network computing system if a difference is found in a comparison of current configuration information with stored configuration information."(page 14/21, page 15/21).

"However, there is no teaching or even mention of any comparisons in this, or any other, section of Pelissier. Pelissier never compares current configuration information for a set of components of a network computing system to stored configuration information for the set of components in order to determine if there are any differences and, if so, update the stored configuration information." (page 16/21)

"Regarding independent claims 8, 22 and 26, Pelissier does not teach determining whether a component was previously in a location, configuring the component using previously stored configuration information for the component if the component was previously in the location, or configuring the component without previously stored configuration information if the component was not previously in the location." (page 17/21)

Examiner's response:

Pelissier teaches "According to an embodiment of the invention, devices in the network are initially unconfigured or un initialized. That is, the devices in the network power-up without specific MAC addresses assigned to them (i.e., without MAC addresses assigned to their Switch Managers 204) and without a forwarding database. According to an embodiment of the invention, the devices power-up with the permissive address initially assigned to the switch manager 204. A hardware vendor may provide a Device GUID or other device information in the device, which may be read or queried by manager 150 even before the device is initialized.", col. 12, line 53-63.

Pelissier teaches in col. 8, line 52-57, "There are also management cells which are typically sent from the central network manager 150 for performing any of several network management functions (e.g., device initialization, topology discovery). A management cell can be used to query or update data objects in a targeted device." Thereby Pelissier teaches "responsive to a power cycle, current configuration information from a set of components in a network computing system is obtained and compared to stored configuration information to determine if there are differences and, if

there are, the stored configuration information is updated." And "determining whether a component was previously in a location, configuring the component using previously stored configuration information for the component if the component was previously in the location, or configuring the component without previously stored configuration information if the component was not previously in the location."

35 U.S.C. § 103 Alleged Obviousness:

Applicant's argument:

"Shah does not provide for the deficiencies in Pelissier as noted above. That is, like Pelissier, Shah fails to teach obtaining current configuration information from a set of components in a network computing system in response to a power cycle, comparing the current configuration information to stored configuration information for the set of components, or updating the stored configuration information if a difference is present in the comparison."

"Since neither reference teaches these features, any alleged combination of the references still would not teach these features. Therefore, the invention as recited in claim 11 is not obvious in view of the alleged combination of Pelissier and Shah."

Examiner's response:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The reference Shah teaches a bus system; a channel adapter unit connected to a system area network fabric; a memory connected to the bus system, wherein the memory includes as set of instructions; and a processing unit connected to the bus system (Fig. 4). Not only the claimed elements as stated in the previous Office action but also its applicability to a large spectrum of networks providing the motivation to apply Shah (col. 2, lines 31-55) in combination with Pelissier.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 15-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Pelissier et al. (hereinafter Pelissier)(US 6, 496, 503).

Referring to claim 1,

The reference Pelissier teaches a method in a network computing system for managing configuration information for a set of components in a network computing system, the method comprising: storing the configuration information for the set of components in the network computing system to form stored configuration information; responsive to a power cycle, obtaining current configuration information from the set of components; (col. 4, lines 23-44), comparing the current configuration information with the stored

configuration information to form a comparison; updating the stored configuration information if a difference is present in the comparison. (Fig. 4, col. 8, lines 46-67 and col. 9, lines 1-58).

Referring to claim 2,

The reference teaches the network 100 of Fig. 1 wherein the network computing system is a system area network. (Fig. 1, col.3, lines 55-60).

Referring to claim 3,

The reference teaches Central Network Manager (subnet manager) could be provided as a separate device that is connected to one or more switches, could be included in a switch or could a be a software application that runs on one of the computers or end stations. (col. 4, lines 30-34). (storing the configuration information at a node in the network computing system where the subnet manager resides.)

Referring to claim 4,

The reference teaches a management cell can be used to query or update data objects in a targeted device. A data object is a group or collection of data in the device which may be accessed as a unit, such as a forwarding database or a MAC address for the device. (col.8, lines 55-61). Thereby, it teaches storing configuration information associated with a component along with the component.

Referring to claim 5,

The reference teaches Fig. 1 is a block diagram illustrating a network according to an embodiment of the present invention. Network 100 may be a system area network (SAN), local area network (LAN), or other data network or packet switched network.

Network 100 includes several end stations including computers 102 and 104, a server 106 and an input/output (I/O) device 108, which may be a hard disk drive, a tape drive, a CD ROM, etc. The end stations provided in the network 100 can be a wide variety of computers, servers, I/O devices or other devices. (Fig. 1, col. 3, lines 58-65). The reference also teaches Central Network Manager (subnet manager) could be provided as a separate device that is connected to one or more switches, could be included in a switch or could be a software application that runs on one of the computers or end stations. (col. 4, lines 30-34). Thereby, the reference teaches the stored configuration information is stored in one of a non-volatile random access memory, a hard disk drive, and an optical disk.

Referring to claims 6 an 7,

The reference teaches the system with the set of components are a set of nodes and the set of components are a set of devices within nodes. (Fig. 1, col. 3, lines 58-67).

Referring to claim 8,

In addition to the above, the reference Pelissier teaches the central network manager to route management cells to **specific devices** in an unconfigured or partially configured network using explicit routing to initialize or configure each device. After the devices in the network have been configured or initialized, subsequent cells can be routed through the **newly** configured devices using the more efficient destination address routing technique because each device now has a forwarding database. Thus, the present invention allows the appropriate routing technique to be selected based on the particular situation. (col. 2, lines 66-67 and col. 3, lines 1-8) (a method in a network computing

system for managing configuration information in the network computing system, the method comprising: discovering a component at a location on the network computing system; determining whether the component was previously in the location; configuring the component using previously stored configuration information for the component if the component was previously in the location; and configuring the component without the previously stored configuration information.)

Referring to claims 9 and 10,

In addition to the above, the reference Pelissier teaches the central network manager to route management cells to specific devices in an unconfigured or partially configured network using explicit routing to initialize or configure each device. After the devices in the network have been configured or initialized, subsequent cells can be routed through the **newly** configured devices using the more efficient destination address routing technique because each device now has a forwarding database. Thus, the present invention allows the appropriate routing technique to be selected based on the particular situation. (col. 2, lines 66-67 and col. 3, lines 1-8) (A method in a network computing system for managing configuration information the network computing system, the method comprising: discovering a component at a location on the network computing system; determining whether stored configuration information is present at the component). The reference also teaches querying and updating the configuration as shown and described in Fig. 4, col. 8, lines 46-67 and col. 9, lines 1-58. (responsive to the stored configuration information being present at the component, reading the stored configuration information; configuring the stored configuration information; determining

whether changes to a configuration of the component are present; and responsive to changes being present, updating the changes to the stored configuration information in the component, and correcting for conflicts in the configuration of the component using the stored configuration information to form changed configuration information; saving the changed configuration information at the component.)

Referring to claim 15,

Claim 15 is a claim to a network computing system for managing configuration information in accordance with the method steps of claim 1. Therefore, claim 15 is rejected for the reasons set forth for the claim 1.

Referring to claim 16,

Claim 16 is a claim to a network computing system for managing configuration information in accordance with the method steps of claim 2. Therefore, claim 16 is rejected for the reasons set forth for the claim 2.

Referring to claim 17,

Claim 17 is a claim to a network computing system for managing configuration information in accordance with the method steps of claim 3. Therefore, claim 17 is rejected for the reasons set forth for the claim 3.

Referring to claim 18,

Claim 18 is a claim to a network computing system for managing configuration information in accordance with the method steps of claim 4. Therefore, claim 18 is rejected for the reasons set forth for the claim 4.

Referring to claim 19,

Claim 19 is a claim to a network computing system for managing configuration information in accordance with the method steps of claim 5. Therefore, claim 19 is rejected for the reasons set forth for the claim 5.

Referring to claims 20 and 21,

Claims 20 and 21 are claims to a network computing system for managing configuration information in accordance with the method steps of claims 6 and 7. Therefore, claims 20 and 21 are rejected for the reasons set forth for the claims 6 and 7.

Referring to claim 22,

Claim 22 is a claim to a network computing system for managing configuration information in accordance with the method steps of claim 8. Therefore, claim 22 is rejected for the reasons set forth for the claim 8.

Referring to claim 23 and 24,

Claims 23 and 24 are claims to a network computing system for managing configuration information in accordance with the method steps of claims 9 and 10. Therefore, claims 23 and 24 are rejected for the reasons set forth for the claims 9 and 10.

Referring to claim 25,

Claim 25 is a claim to a computer program product in a computer readable medium for use in a network computing system for managing configuration information for a set of components in a network computing system which performs the steps of the method of claim 1. Therefore, claim 25 is rejected for the reasons set forth in claim 1.

Referring to claim 26,

Claim 26 is a claim to a computer program product in a computer readable medium for use in a network computing system for managing configuration information for a set of components in a network computing system which performs the steps of the method of claim 8. Therefore, claim 26 is rejected for the reasons set forth in claim 8.

Referring to claim 27,

Claim 27 is a claim to a computer program product in a computer readable medium for use in a network computing system for managing configuration information for a set of components in a network computing system which performs the steps of the method of claim 9. Therefore, claim 27 is rejected for the reasons set forth in claim 9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (hereinafter Shah) (US 6,694, 361) in view of Pelissier et al. (hereinafter Pelissier)(US 6, 496, 503).

Referring to claim 11,

The reference Shah teaches a bus system; a channel adapter unit connected to a system area network fabric; a memory connected to the bus system, wherein the memory includes as set of instructions; and a processing unit connected to the bus system (Fig. 4). The reference fails to explicitly teach the processing unit executes the set of instructions to store the configuration information for the set of components in the network computing system to form stored configuration information; obtain current configuration information from the set of components responsive to a power cycle; compare the current configuration information with the stored configuration information to form a comparison; and update the stored configuration information if a difference is present in the comparison. The reference Pelissier teaches this system by teaching central network manager and its functions. (Fig. 1, col. 2, lines 43-67 and col.3, lines 1-8 and lines 55-67, col. 4, lines 1-44, Fig. 4, lines 46-67 and col. 9, lines 1-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Shah with Pelissier such that the system is made applicable to various type of computer networks such as LAN, CAN, MAN, GAN, SAN and many more as indicated by Shah in col. 2, lines 31-55.

Referring to claims 12 and 13,

The reference Shah teaches the processing unit the processor unit includes a set of processors or a single processor. (Fig. 4, col. 4, lines 66-67 and col. 5, lines 1-4).

Referring to claim 14,

The reference Shah teaches wherein the bus system includes a primary bus and a secondary bus. (Fig. 3)

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL: Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


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